

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1a, 1b, 2a, 2b, 6a, 6b, 7a and 7b. These sheets, which include Figs. 1a, 1b, 2a, 2b, 6a, 6b, 7a and 7b, replace the original sheets including Figs. 1a, 1b, 2a, 2b, 6a, 6b, 7a and 7b.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1, 3-5 and 7-21 are pending in this application. By this amendment, Claims 1, 7, 8, 16 and 20 are amended; Claim 21 is added; and no claims are canceled herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, the Abstract was objected to; Figures 1, 2, 6 and 7 were objected to; Claims 16, 17 and 20 were rejected under 35 U.S.C. § 101; Claims 7-10, 16, 17 and 18 were rejected under 35 U.S.C. § 112, second paragraph; Claims 7-10 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,983,059 to Holloway; and Claims 7, 8 and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,004,656 to Kurihara.

With respect to the objection to the Abstract, the Abstract is amended by the present amendment. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

With respect to the objection to the drawings, the drawings are amended by the present amendment. Accordingly, withdrawal of the objection to the drawings is respectfully requested. The specification is amended in accordance with the changes to the drawings.

With respect to the rejection Claims 16, 17, and 20 under 35 U.S.C. § 101, Claims 16, 17, and 20 are amended by the present amendment. Accordingly, withdrawal of the rejection of Claims 16, 17, and 20 under 35 U.S.C. § 101 is respectfully requested.

With respect to the rejection of Claims 7-10, 16, 17 and 20 under 35 U.S.C. § 112, second paragraph, the claims are amended by the present amendment to clarify the features recited therein. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 112, second paragraph is respectfully requested.

With respect to the rejection of the claims over Kurihara, it is respectfully submitted that the Kurihara does not constitute prior art. Specifically, the effective prior art date for Kurihara is the PCT Pub. Date. Of April 10, 2003. However, the present application claims priority to PCT/JP02/07670 filed July 29, 2002. Thus, Kurihara does not constitute prior art. An accurate translation of priority document PCT/JP02/07670 is submitted herewith.

With respect to the rejection of the claims under 35 U.S.C. § 102 based on Holloway, that rejection is respectfully traversed. It is respectfully submitted that the applied art does not teach or suggest that the lower end of the inner container guiding groove formed on the sleeve is opened and a locking projection corresponding to a locking notch formed on the small projection is provided at the lower portion of the inner container guiding groove as a retaining mechanism for the small projection, as recited in Claim 7 and similarly recited in Claims 16 and 20.

In contrast, Holloway merely discusses a small projection 38 that is received in notches 62 or 64. That is, the complete projection 38 is caught wholly in notches 62 and 64 formed in a slot. However, according to the claimed invention, a mechanism is provided that includes a locking notch on the small projection. The locking notch on the projection corresponds to a locking projection. Please see the discussion on page 22 line 9 to page 23 line 16 and Figure 15 set forth in the present specification.

Further, the applied art does not teach or suggest that the inner container is brought down to the position where the small projection is locked with the lower locking projection; the sealing device is placed on the opening at the distant end of the sleeve; the sealing device is fixed and sealed; the cosmetic container is inverted upside down; the cosmetic is cooled and solidified; the inner container is brought upward until it passes over the position where the small projection is locked with the upper locking projection; and the inner container is again brought down to lock the small projection with the upper locking projection, as recited

in new Claim 21. Please see the disclosure regarding the filling of the cosmetic at least on page 25, line 4, to page 26, line 8, of the present specification.


Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. § 102 is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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